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6 Counsel for Plaintiff
7 COALITION TO LIMIT
UNIVERSITY EXPANSION

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 COALITION TO LIMIT UNIVERSITY
EXPANSION, an unincorporated association,
12 Plaintiff,

13
14 v.

15 GEORGE BLUMENTHAL, Acting Chancellor,
University of California, Santa Cruz, in his
16 official capacity; and DEVCON
CONSTRUCTION, INC. a California
17 corporation,
18 Defendants.

Civil Case No.: C 06-02753 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING THE
HEARING DATE FOR DEFENDANT
BLUMENTHAL'S MOTION TO DISMISS
AND DEFENDANT DEVCON
CONSTRUCTION, INC'S JOINDER TO
THE MOTION TO DISMISS**

Date: October 20, 2006
Time: 10:00 AM
Courtroom: 8, 19th Floor
Judge: The Honorable Charles R. Breyer

RECITALS

WHEREAS, Plaintiff, Coalition To Limit University Expansion (“CLUE”), filed its complaint, *Coalition to Limit University Expansion v. George Blumenthal, et al.*, Case Number 3:06-cv-02753-CRB, on April 21, 2006.

WHEREAS, Plaintiff, City Of Santa Cruz (the “City”), filed its own complaint, *City of Santa Cruz v. George Blumenthal*, Case Number C-06-04676-CRB on August 1, 2006, and the Court granted an order relating cases C-06-4676-CRB to C-06-2753-CRB on August 21, 2006.

WHEREAS, on August 4, 2006, Defendant George Blumenthal filed a Motion to Dismiss CLUE’s Complaint, and Defendant Devcon Construction, Inc. (“Devcon”) filed a joinder to the Motion to Dismiss.

WHEREAS, the City’s Complaint has not yet been served and, therefore, no responsive pleading is before the Court as to the City’s Complaint.

WHEREAS, the Motion to Dismiss CLUE’s Complaint was originally scheduled to be heard on September 15, 2006.

WHEREAS, on its own motion, the Court notified the parties the hearing date was to be rescheduled, and the parties agreed to October 16, 2006.

WHEREAS, on its own motion, the Court notified the parties the hearing date was rescheduled to October 20, 2006.

WHEREAS, CLUE’s attorney’s have a conflict on October 20, 2006, and cannot attend the hearing. CLUE’s counsel will be out of town on October 20, 2006, to attend the Environmental Law conference in Yosemite, California.

WHEREAS, counsel for CLUE contacted counsel for the City and for Defendants to determine whether a continuance until October 27, 2006 was feasible for all parties.

WHEREAS, counsel for the City and for each of the Defendants indicated that they are available on October 27, 2006.

WHEREAS, counsel for CLUE contacted the Court’s calendar clerk to determine availability for an October 27, 2006 hearing and was informed that the Court could hear the Motion to Dismiss on that date.

1 WHEREAS, on August 18, 2006, the Court entered the parties' stipulation to allow counsel for
 2 the City in Related Case Number C-06-04676-CRB, Sabrina V. Teller, to appear by telephone at the
 3 Motion to Dismiss hearing.

4 WHEREAS, the parties once again agree to the appearance by telephone of Sabrina V. Teller,
 5 counsel for the City at the October 27, 2006 Motion to Dismiss hearing.

6 WHEREAS, Sabrina V. Teller may be reached at (808) 874-8432 on October 27, 2006.

7 THEREFORE, subject to the approval of the Court, the undersigned parties, through their
 8 respective counsel, hereby agree and stipulate as follows:

- 9 1. The hearing for Defendant George Blumenthal's Motion to Dismiss and Devcon's
 10 Joinder to the Motion to Dismiss is hereby continued from October 20, 2007, to October
 11 27, 2007.
- 12 2. The time for the hearing will be 10 A.M. unless otherwise indicated by the Court.
- 13 3. By this stipulation, counsel for the City, Sabrina V. Teller, may appear by telephone at
 14 the October 27, 2006, Motion to Dismiss hearing.
- 15 4. To allow for the appearance by telephone at the Motion to Dismiss hearing on October
 16 27, 2006, at 10:00 A.M., in the San Francisco Division of this Court, counsel for the City,
 17 Sabrina V. Teller, can be reached by telephone at (808) 874-8432.

18
 19 DATED: October 13, 2006

FARELLA, BRAUN, & MARTEL, LLP

20 /s/ R. Christopher Locke

21 _____
 22 R. Christopher Locke
 23 Attorneys for Defendant
 GEORGE BLUMENTHAL, Acting Chancellor, University
 of California, Santa Cruz, in his official capacity.

24 DATED: October 15, 2006

CREECH, LIEBOW, & KRAUS

25 /s/ Randall C. Creech

26 _____
 27 Randall C. Creech
 28 Attorneys for Defendant
 DEVCON CONSTRUCTION, INC.

1 DATED: October 13, 2006

LAWYERS FOR CLEAN WATER, INC.

2
3 /s/ Daniel G. Cooper

4 Daniel G. Cooper
Attorneys for Plaintiff
COALITION TO LIMIT UNIVERSITY EXPANSION.

5 DATED: October 13, 2006

REMY, THOMAS, MOOSE, & MANLEY, LLP

6
7 /s/ Sabrina V. Teller

8 Sabrina V. Teller
Attorneys for Plaintiff in *City of Santa Cruz v. George*
9 *Blumenthal*, Case Number C-06-04676-CRB, CITY OF
10 SANTA CRUZ.

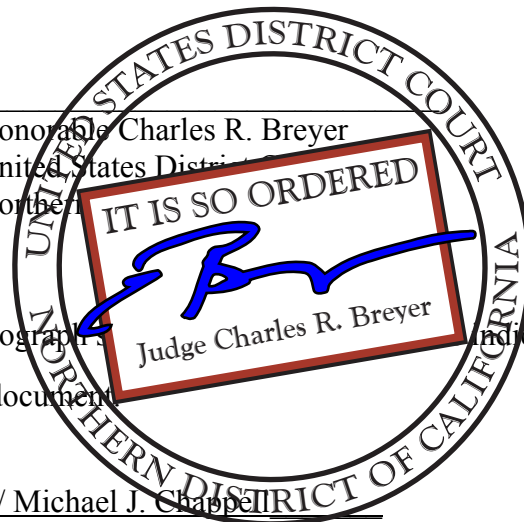
~~**PROPOSED**~~ ORDER

Upon good cause shown and PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. The hearing for Defendant George Blumenthal's Motion to Dismiss and Devcon's Joinder to the Motion to Dismiss is hereby continued from October 20, 2007, to October 27, 2007.
2. The time for the hearing will be 10 A.M. unless otherwise indicated by the Court.
3. By this stipulation, counsel for the City, Sabrina V. Teller, may appear by telephone at the October 27, 2006, Motion to Dismiss hearing.
4. To allow for the appearance by telephone at the Motion to Dismiss hearing on October 27, 2006, at 10:00 A.M., in the San Francisco Division of this Court, counsel for the City, Sabrina V. Teller, can be reached by telephone at (808) 874-8432.

Dated: October 19, 2006

Honorable Charles R. Breyer
United States District Court
Northern District of California



I hereby attest that I have on file all holographs indicated by a "conformed" signature (/S/) within this efiled document

/s/ Michael J. Chappell
Michael J. Chappell
Lawyers for Clean Water, Inc.
Attorney for CLUE